

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DOMINIQUE MASCARY,

Plaintiff,

- against -

GC SERVICE LIMITED PARTNERSHIP,

Defendant.

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**REPORT AND
RECOMMENDATION**

10 CV 1898 (ENV)

By Order dated November 29, 2010, this Court noted that no action had been taken by any party in this case since April 28, 2010. The Order explicitly stated that “[a] Report and Recommendation will issue, recommending that the case be dismissed for lack of prosecution, if within thirty (30) days of the date of this Notice no further proceedings have been commenced by any party or if no explanation for the lack of proceedings has been filed and approved by the Court.”

Since the Court has received no response to its Order and nothing has transpired in this case in over nine months, this Court respectfully recommends that the case be dismissed for failure to prosecute.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within ten (10) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court’s Order.

See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72; Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
January 31, 2011

Cheryl Pollak
Cheryl L. Pollak
United States Magistrate Judge